



**NPWS**

An tSeirbhís Páircenna  
Náisiúnta agus Fiadhúlra  
National Parks and Wildlife  
Service

**Derogation Number  
DER-CETACEAN-2025-04**

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS,  
2011 (S.I. No 477 of 2011)**

**DEROGATION**

Granted under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, hereinafter referred to as “the Habitats Regulations”.

The Minister for Housing, Local Government and Heritage (hereinafter referred to as “the Minister”), in exercise of the powers conferred on him by Regulation 54 of the Habitats Regulations hereby grants a derogation to **Robert Fennelly of The Oval, 160 Shelbourne Road, Ballsbridge, Dublin 4, D04 FW28**

The Minister is satisfied that there is no satisfactory alternative and that the action authorised by this derogation will not be detrimental to the maintenance of the population of WHALE, DOLPHIN, TURTLE OR PORPOISE referred to below at a favourable conservation status in their natural range. The Minister grants this derogation as it is:

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

**This derogation is granted in respect of Annex IV marine species only.**



### Terms and Conditions

1. This derogation is granted solely to allow the activities specified in connection with activity located at **North Celtic Sea – DMAP Area Tonn Nua**
2. This derogation may be modified or revoked, for stated reasons, at any time.
3. The mitigation measures outlined in the application report (**Powering up Offshore South Coast – Supporting Information for Derogation**) together with any changes or clarification agreed in correspondence between NPWS and the agent or applicant, are to be carried out. Strict adherence must be paid to all the proposed measures in the application.
4. The actions which this derogation authorise shall be completed between the **10<sup>th</sup> June – 31<sup>st</sup> December 2025, inclusive.**
5. The works will be supervised by **Robert Fennelly**
6. If this derogation addresses works that are subject of a planning application, no such works permitted under this derogation can occur until planning permission is granted.
7. If this derogation expires prior to works permitted under this derogation commencing, a new application must be sought in advance, including the provision of any updated data or reports.
8. The applicant and those acting on their behalf during surveys must ensure that they adhere to the [Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters](#) published in 2014 (or any updates as may be relevant in due course).
9. A qualified and experienced Marine Mammal Observer (MMO) will be appointed to monitor for marine mammals to act in accordance with the provisions the supporting document to the Regulation 54 application.
10. Visual (MMO) observations will be conducted for a pre-soft-start search of 30 minutes i.e. prior to the commencement of marine operations (MBES, SSS, sub-bottom profiling).
11. Passive acoustic monitoring may be used to supplement visual observation but it cannot be the primary method used to validate the exclusion zone.
12. The exclusion zone will be monitored and validated as being clear of marine mammals as per DAHG guidance (or any updates as may be relevant in due course).
13. Soft-start procedures will be applied as appropriate.
14. If Line changes are required that exceed 40 minutes the output will be reduced to below 170 dB re 1 µPa @ 1 m or if stopped completely then a full restart procedure will be required.
15. If there is a break in sound output from survey equipment for a period greater than 10 minutes, then all pre-start monitoring measures and ramp-up procedures will recommence prior to re-starting.
16. Where suitable to achieve the data collection targets it is preferable to use frequencies that are higher than the acoustic range of the likely marine mammals within the acquisition area.
17. On completion of the activities which this derogation authorises, all recordings Annex IV cetacean species affected will be made using the standardised data form provided below and must be submitted to the NPWS via [wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie)
18. Additionally a **complete MMO report** including all recordings of Annex IV cetacean species affected will be made and must be submitted to the NPWS via [wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie)  
**Both documents must be submitted within four weeks of the expiry date of this derogation to constitute a derogation return.**
19. This derogation shall be produced for inspection on a request being made on that behalf by a member of An Garda Síochána or an authorised NPWS officer appointed under Regulation 4 of the Habitats Regulations.



**NPWS**

An tScribhís Páircanna  
Náisiúnta agus Fiadhúla  
National Parks and Wildlife  
Service

**For the Minister for Housing, Local Government & Heritage**

(an officer authorised by the Minister to sign on his behalf)

**10 June 2025**

Any query in relation to this derogation should be sent to [reg54derogations@npws.gov.ie](mailto:reg54derogations@npws.gov.ie)





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## Article 16 (Habitats Directive) - Returns Form

This returns form is for use in respect of:

***Regulation 54 – Derogation to protect wild fauna and conserving natural habitats***

***1<sup>st</sup> January to 31<sup>st</sup> December 2025, inclusive***

**Derogation Number: DER-CETACEAN-2025-04**

**Derogation Holder: Robert Fennelly**

Species (English & Scientific)	No. of Individuals Affected	No. of Breeding Places	No. of Resting Places

**Nil Return** ☐

**Derogation Holder Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

**Returns must be emailed to the following email address:**

**[wildlife.reports@npws.gov.ie](mailto:wildlife.reports@npws.gov.ie)**